



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JUN 20 2014**

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 70133020000116457468

Mr. Bob Roberts  
Operations Manager  
Green Valley Chemical Corporation  
1284 N. Cherry Street Road  
Creston, Iowa 50801

RE: Green Valley Chemical Corporation  
Creston, Iowa  
RCRA ID No.: IAD005312616

Dear Mr. Roberts:

Letter of Warning/Request for Information

On May 7, 2013, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



Within thirty (30) calendar days of receiving this letter, please mail your response to: Ms. Deborah Bredehoft, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard., Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Bredehoft, of my staff, at (913) 551-7164.

APR 10 1991  
Sincerely,



Donald Toensing, Chief  
Waste Enforcement and Materials Management Branch  
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources

List of Violations  
Green Valley Chemical Corporation  
Creston, Iowa  
RCRA ID No.: IAD005312616

1. \* Title 40 Code of Federal Regulations (40 CFR) 279.22(c)(1) – Failure to label used oil storage containers with the words “Used Oil.”
2. \* 40 CFR 273.13(d)(1) – Failure to close containers of universal waste lamps.
3. \* 40 CFR 273.15(c) – Failure to date or otherwise document accumulation time for universal waste lamps.
4. 40 CFR 262.11 – Failure to make a waste determination the following:
  - a. waste-like boiler chemicals;
  - b. waste-like two-part paint; and
  - c. spent zinc oxide.

\*The above violations were adequately addressed through previous correspondence.

Requested Information  
Green Valley Chemical Corporation  
Creston, Iowa  
RCRA ID No.: IAD005312616

1. With regard to Violation Number 4, please conduct a hazardous waste determination on the chemicals identified within the List of Violation and the following chemicals identified in your July 25, 2013, e-mail as needing to be removed from your facility:
  - a. 2, 55-gallon barrels of water treating chemicals (approximate quantities of 40 and 50 gallons);
  - b. 1, 5-gallon can of two part paint (approximate quantity of 4 gallons);
  - c. 1 can of blending resin (approximately quantity of 3 gallons);
  - d. 4, 25 ounce cans of activator (each approximately ½ full);
  - e. 2, 15-gallon plastic drums of unknown contents (each approximately ½ full); and
  - f. 2, 10-gallon plastic buckets of unknown contents (each full).

Please document that the hazardous waste determinations were completed on each of the chemicals identified in the EPA's inspection report and your July 25, 2013, e-mail by providing the following information:

- a. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4.
- b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. **If the waste is a listed waste, please provide the listed waste code in your response;** and
- c. a determination of whether or not the waste is identified in 40 CFR 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure (TCLP) testing. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
- d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified in Violation Number 4, you must provide a detailed explanation and your reasoning regarding the basis for this determination. Material Safety Data Sheets (MSDS) may provide information to supplement your response. **Also, if you apply knowledge to make the determination, please include all hazardous waste codes for the wastes in your response.**

In addition to providing the above-listed information, please provide the following information for each of the wastes:

- a. a copy of the shipping paper(s) (i.e., manifests, bills of lading, etc.) used to remove these wastes from your facility; and
- b. a narrative outlining how your facility will ensure that hazardous waste determinations are made in a timely manner on wastes and waste-like containers generated by your facility.

## 3007 RESPONSE INSTRUCTIONS

Identify the Person(s) responding to this request on your behalf.

Address each numbered item separately, and precede each answer with the number of the item to which it responds.

For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)

For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.

For each numbered item, identify all persons consulted in the preparation of the answer.

For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.

If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.

If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.

If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."

The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.

A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.

Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.